

CHARLES W. SHIPLEY, P.C.

A PROFESSIONAL CORPORATION

ATTORNEY AT LAW

1800 S. BALTIMORE, SUITE 901
TULSA, OKLAHOMA 74119
TELEPHONE (918) 582-1720
FACSIMILE (918) 584-7681
cshipley@shipleylaw.net

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CIVIL APPEALS BOARD
GERALD B. DAVENPORT
OF COUNSEL

September 2, 2008

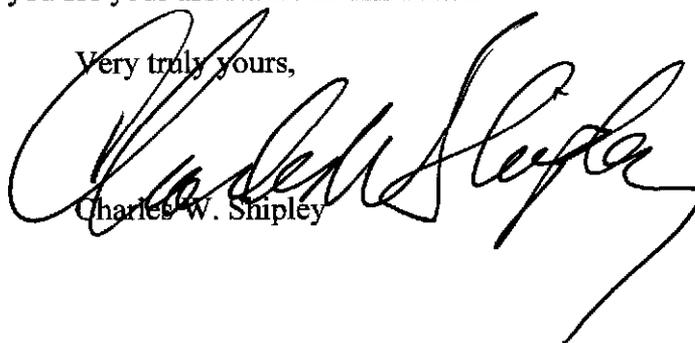
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, DC 20005

Re: In Re: Ram, Inc.
Dkt. No. SWDA-06-2005-5301

Dear Sir or Madam:

Enclosed are an original and three copies of Respondent's Response to Complainant's Appellate Brief in the captioned matter. Please file the Response and return a file-stamped copy to me in the enclosed envelope. Thank you for your assistance in this matter.

Very truly yours,



Charles W. Shipley

CWS:kss
Enclosures

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ENVIR. APPEALS BOARD

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**

In re:

Ram, Inc.

Dkt. No. SWDA-06-2005-5301

Respondent

RESPONDENT'S RESPONSE TO COMPLAINANT'S APPELLATE BRIEF

The Respondent, Ram, Inc. ("RAM") hereby responds to the Complainant's Appellate Brief which was received in the office of the undersigned attorney for RAM on or about August 27, 2008.

RAM notes that the principal basis for the Complainant's appeal is for "the potential for harm to the environment" and "the potential for a substantial adverse effect on the regulatory program".

In response to these two bases for appeal (see Complainant's Appellate Brief, page 1) by the Complainant ("EPA"), RAM notes that, not only was there no proven potential for harm to the environment, it was shown that there was, in fact, no harm to the environment. EPA never showed that there was one drop of gasoline from any of these five service stations which was spilled on the ground.

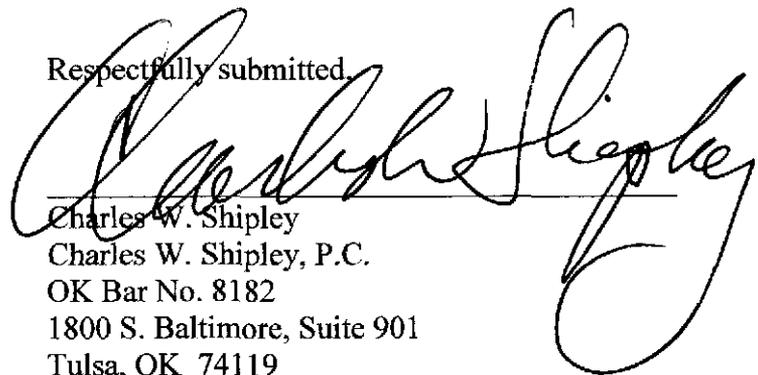
The EPA's complaint that there was a potential for a "substantial adverse effect on the regulatory program" is almost humorous if it were not so serious. The EPA has had a

“substantial adverse effect” on its own regulatory program by abusing that program to try to punish a businessman who, apparently, offended a regulatory inspector. This was so obvious, not only to the Judge in the administrative hearing, but to others present for the testimony as well. After the testimony was concluded for the three days in May of 2006, the court reporter for the Judge approached the undersigned attorney for RAM and said, “who did he (referring to Mr. Alford, owner of RAM) p--- o--?” It was obvious to anyone who heard the testimony that this was a “witch hunt” by the EPA trying to use its program to protect the environment by attacking a businessman who had personally offended a regulatory inspector.

Numerous times in the Administrative Law Judge’s Initial Decision, he pointed out that RAM had shown “good faith” in attempting to comply with the numerous and confusing regulations requiring certain paperwork.

Based on the above, the Environmental Appeals Board should strike the EPA’s Complainant’s Appellate Brief for not having been served in a timely fashion and for not being well-founded in the law or in the facts. The Environmental Appeals Board should reduce the fines in this matter to zero.

Respectfully submitted,



Charles W. Shipley
Charles W. Shipley, P.C.
OK Bar No. 8182
1800 S. Baltimore, Suite 901
Tulsa, OK 74119
Telephone: (918) 582-1720
Fax: (918) 584-7681